

## REMARKS

This Amendment is intended to respond fully to the final Office Action dated March 23, 2004. In this Office Action, claims 1-5 and 9-10 were finally rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,035,412 ("Tamer"); claims 11 and 14 were finally rejected under 35 U.S.C. §103(a) as being unpatentable over Tamer, of which the improper use of Official Notice to reject these claims is specifically traversed from the outset as being improper; claims 6-8 were finally rejected under 35 U.S.C. §103(a) as being unpatentable over Tamer in view of U.S. Patent Application Publication No. 2001/0016904 ("Hall"); claims 23-24 were finally rejected under 35 U.S.C. §103(a) as being unpatentable over Tamer in view of U.S. Patent Application Publication No. 2003/013278 ("Fujibayashi"); and claims 12-13 and 25-27 were finally rejected under 35 U.S.C. §103(a) as being unpatentable over Tamer in view of U.S. Patent No. 6,366,987("Tzelnic"). Additionally, the examiner arguably noted that claims 28-32, although drafted in apparatus rather than method format, encompass the same scope of invention as claims 1-9, and consequently rejected these claims for the reasons stated with respect to claim 1-9. Also, in this Office Action, claims 15-22 and 26 were objected to as being dependent upon a rejected base claim. The Examiner kindly indicated that claims 15-22 and 26 would be in allowable form if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Each of the points raised in this final Office Action are addressed in the comments that follow:

### ***A. Claim Rejections - 35 U.S.C. §§102 and 103***

In this Amendment, claims 1-14, 23-35 and 27-32 are hereby cancelled without prejudice, and thus, the rejections thereto are moot. The cancellations of these claims should be not be deemed an acquiescence of the prior art teachings or disclosure of Tamer, Hall, Fujibayashi or Tzelnic, as asserted in both the Final and the first, non-final Office Action or an admission by Applicant that the aforementioned rejections are proper or have merit. Rather, these amendments and cancellations have been made in furtherance of expediting the prosecution of the present application. Indeed, Applicant reserves the right to file these claims and traverse these rejections

in a properly-filed continuing application.

***B. Allowable Subject Matter: Claim Objections***

In this Amendment, claim 15 has been rewritten in independent form to include all of the limitations of claim 1, and therefore, is now presented in allowable form. Claim 15 has not been amended in order to patentably distinguish this claim over the cited art of record, but rather claim 15 has been rewritten based on the Examiner's identification of allowable subject matter recited therein. Indeed, rewritten claim 15 recites each of the same limitations as originally filed with the present application; and thus, claim 15 has not been subjected to a "narrowing" amendment.

Claims 16-22 and 26 depend from claim 15. Because claim 15 is now presented in allowable form, claim 16-22 and 26 are now also presented in allowable form.

***C. Claim Amendments: Claims 17 and 20***

Claims 17 and 20 have been amended to correct typographical errors contained therein. These amendments are therefore only informal in nature and are not made in order to patentably distinguish these claims over the cited art of record.

## CONCLUSION

This Amendment and the accompanying remarks is believed to be responsive to all points raised in the Office Action mailed March 23, 2004. Claims 15-22 and 26 remain pending in the present application and are believed to be in condition for allowance. Should the Examiner have any remaining questions or concerns, he/she is encouraged to contact the undersigned attorney by telephone to expeditiously resolve such concerns. Other than the fee accompanying the RCE, no fees are believed due with this Amendment. However, if this is not the case, please charge any additional fee to Deposit Account No. 13-2725.

Dated: May 24, 2004



Respectfully Submitted,

A handwritten signature in dark ink, appearing to read "David D. Wier". The signature is written over a horizontal line.

David D. Wier, Attorney Reg. No. 48,229  
MERCHANT & GOULD P.C.  
P. O. Box 2903  
Minneapolis, MN 55402-0903  
(303) 357-1647